



Docket No.: 240886US3

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/634,784
Applicants: Makoto KAWAGUCHI, et al.
Filing Date: August 6, 2003
For: STRETCH LABEL ATTACHING DEVICE AND
METHOD FOR ATTACHING STRETCH LABEL
Group Art Unit: 1732
Examiner: EDMUND H. LEE

SIR:

Attached hereto for filing are the following papers:

Response to Restriction Requirement

Our check in the amount of -0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Gregory J. Maier
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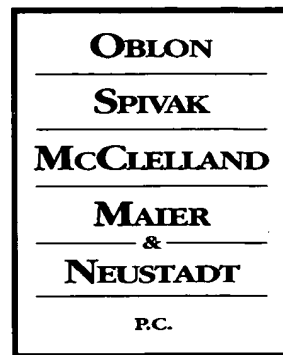
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DOCKET NO: 240886US3

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
MAKOTO KAWAGUCHI, ET AL. : EXAMINER: LEE, EDMUND H
SERIAL NO: 10/634,784 :
FILED: AUGUST 6, 2003 : GROUP ART UNIT: 1732
FOR: STRETCH LABEL ATTACHING :
DEVICE AND METHOD FOR
ATTACHING STRETCH LABEL

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Official Action mailed December 19, 2005, Applicants provisionally elect, with traverse, Group I, Claims 1-20, for further examination on the merits in the present application.

Applicant respectfully traverses the Restriction requirement because the PTO has not carried forward its burden of proof to establish distinctness.

In particular, MPEP § 803 states:

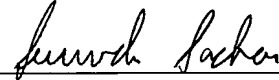
If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area.

Accordingly, Applicant respectfully traverses the outstanding Election requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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